

## **NORTH BEND CITY COUNCIL MINUTES**

**March 5, 2013**

Senior Center, 411 Main Ave. S., North Bend, Washington

### **CALL TO ORDER, ROLL CALL:**

Mayor Hearing called the regular meeting to order at 7:00 p.m.

**Councilmembers Present:** Cook, Gothelf, Kolodejchuk, Loudenback, Pettersen, Rosen and Williamson.

### **CONSENT AGENDA:**

**Minutes** – Council Meeting of February 19, 2013

**Payroll – February 20, 2013 – 26872** through **26879**, in the amount of **\$98,197.91**

**Checks – March 5, 2013 – 57816** through **57888**, in the amount of **\$259,888.00**

**AB13-019** – Motion Authorizing Work Order for Repair of WWTP Floor Damage

**AB13-020** – Motion Authorizing Change Order No. 7 for Fire Station Project

**AB13-021** – Resolution 1612 Accepting Boalch Ave Reconstruction Project as Complete

**AB13-022** – Resolution 1613 Accepting Pickett Ave Reconstruction Project as Complete

Councilmember Rosen **MOVED**, seconded by Councilmember Gothelf to approve the consent agenda as presented. The motion **PASSED** 7-0.

### **CITIZEN'S COMMENTS:**

**Bonnie Lawlor**, 14824 439<sup>th</sup> Place SE, and **Stefanie Hawks-Johnson**, 15514 468<sup>th</sup> Ave SE, stated they represented a group of local citizens that were actively involved in an effort to ban one-time use plastic bags in the City. Ms. Lawlor added that several other cities including Issaquah and Seattle had enacted an ordinance banning the single use bags. She noted a free informational movie would be shown at 1 p.m. on Sunday, March 24<sup>th</sup> at the North Bend Theatre for those interested in learning about the detrimental effects plastic bags had on the environment, water supply and food chain.

**Dave Olson**, 440 Main Ave S, announced the Kiwanis would be hosting dinner on Wednesday, March 5<sup>th</sup> at the homeless shelter located at Mt Si Lutheran Church. He mentioned the Kiwanis were also planning to host a luncheon at the Mt Si Senior Center on a date yet to be determined, and currently were in the planning stage for the annual fireworks booth fundraising effort.

### **ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:**

#### **State of the City Address – Mayor Hearing**

Mayor Hearing delivered the following State of the City of North Bend 2013 address:

“Ladies and Gentlemen of the Council, Citizens, Property Owners, Staff and Friends; it is my great honor to present to you the North Bend 2013 State of the City Address. During my address we will be showing slides which highlight a few of the recent events and activities undertaken to help foster North Bend’s economic development, growth and vitality.

Last year I reported it would be a slow climb back from the bottom of the Great Recession. I am happy to report that in the last year we experienced some growth that makes me cautiously optimistic that we are seeing slight recovery in the local economy. This year we are again presented with a number of opportunities as well as challenges, but I am very happy to say that we continue to move in a positive direction, building upon the momentum we established during my first two terms in office.

The City’s accomplishments in the next year will be built upon the successes of our past. The acquisition of water rights has led to an impressive amount of new development in our city. We issued 72 building permits for new homes during 2012, and we expect similar building activity in 2013. Since the beginning of 2012 the City has received 8 plat applications for a potential total of 354 new building lots and new homes. In addition, the city expects two more Preliminary Plat Applications to be received in the first quarter of 2013 for a potential additional 203 new building lots and new homes.

The extension of sewer has led to some commercial land opportunities in the eastern portion of the City including an interior upgrade to the kitchens at the truck stop restaurant. This would not have been possible without the sewer.

The Citizen approval of the Transportation Benefit District provided us with an ongoing revenue source for transportation projects for the next ten years. The TBD funds allowed us to reconstruct both Pickett and Boalch Avenues, two of the more visible substandard streets in North Bend in 2012. This new source of revenue, combined with other City funds, will provide capital project funding to improve our roads and sidewalks. Planned projects include the overlay of a large portion of North Bend Way from Torguson Park to 436th Ave, reconstruction of a portion of Mt Si Boulevard, improvements to the North Bend Way sidewalk from Downing to Orchard, as well as creating a vibrant Downtown Plaza with multiple improvements from Bendigo to Ballarat.

We have a number of additional overlay projects that will be completed this year with other funding authorized by the Council. In past years the City set aside \$100,000 for street overlays, but in 2013 the Council has budgeted \$175,000 showing Council’s commitment to maintain our City street infrastructure. After many years of deferred maintenance necessitated by belt tightening as a result of shrinking revenues, the Council has made the maintenance of our streets a real priority, and I applaud their efforts. This work will preserve the current streets and will in the long term be less expensive than having to rebuild significant portions of our road system.

Voter approved bonds led to the construction of a new Fire Station in partnership with Fire District 38. The Station will be completed this summer and our firefighters will move in during July 2013. If you are interested in following the progress, I encourage you to go to the City's website and click on the "WEBCAM" icon which will allow you to view the fire station construction in real time. Thank you, Citizens, once again, for trusting us to be good stewards of your money.

North Bend will soon have a new drug store in our downtown core. Bartell Drugs anticipates breaking ground spring 2013 allowing our citizens the greater convenience of a local drug store by the holiday season 2013.

We are also very excited to have an application pending for the construction of a hotel within the City abutting the South Fork of the Snoqualmie River. I see this project as pivotal in drawing visitors to our downtown core and fulfilling the vision of our branding and marketing efforts to make North Bend a recreational destination. We anticipate the hotel starting to grade its site during the summer months and the hotel's goal is to open its doors by summer of 2014.

On the services side, a new City contract was negotiated for solid waste and recycling services. The new contract provides for lower residential rates and added service including embedded curbside yardwaste recycling for all city residents. As a result of the expanded recycling program, North Bend was able to increase its 2012 annual recycling collections by 3 percentage points to 51%. What that means is that for the first time North Bend's citizens sent more waste to recycling than to the landfill. And this increase took place in just six months' time under the new contract. We hope to see an even greater percentage increase in 2013 with continued promotion of our expanded recycling services.

The City has also elected to make a change in the delivery of our police services. We want to acknowledge and thank the King County Sheriff's office for being an outstanding partner for over 30 years. The decision was difficult but we believe we can expand our services at a lower and more dependable cost by contracting with Snoqualmie for police services. We very much look forward to expanding our existing partnership with our neighbor the City of Snoqualmie. In March of 2014, Snoqualmie will begin delivery of police services to North Bend.

The City has continued to increase communications with the community. In April of 2012 a new expanded website was launched with a host of new offerings including video access to Council meetings and an increased social media presence. Most recently the Economic Development Commission along with staff collaborated to launch a North Bend Webcam to display the beautiful view of the City, laid out on the Upper Snoqualmie Valley floor with Mount Si and the Cascades as a backdrop as viewed from Rattlesnake Ridge. The camera may be accessed from the City's website and presents a live view of North Bend, I-90, Mount Si, and the Cascade Mountains.

On the tourism and economic development front, City Staff has coordinated an amazing array of events over the past several years and 2013 will be no different. In April the University of Washington will again host its Cycling Road Race, and the first North Bend Blues Walk will be held featuring 11 great venues in Downtown. In June our friends at the Si View Metropolitan Park District will sponsor the growing Farmer's Market and Summer Concert Series that will run through mid-September. Music and entertainment fans need look no farther than North Bend Way in July, when the City is host to its Downtown Block Party, a day when the streets are filled with the unprecedented talents of our community! August will bring the Festival at Mt. Si together with its fun events and arts & craft vendors from all over the state, along with the Tour de Peaks bike event. September will be host to the first Adventure Sport Festival along with the highly successful North Bend Jazz Walk with another great line up of music venues spanning core city blocks. In November and December the North Bend Mountain Film Series and Banff Film Festival return boasting the best mountain and outdoor recreation films in the world, culminating with the Holiday Tree Lighting Festival. These are just a sampling of the spectacular events planned in 2013; you can go to the City's website under News and Highlights and check out Highlighted Events for a full listing of all upcoming events.

At our recent City Council Retreat, we began discussion about the benefits of downtown redevelopment and moving City Hall out to North Bend Way. Discussions with the community will occur over the next year and the Council believes that, with the help of the citizens, a major facelift and economic boost is possible.

As you can see, the City is hard at work and growing. We had a good 2012 and I look forward to continued positive growth in 2013. This will be a time when our challenges should bring out the best in all of us and prove even more that North Bend is a City "Easy to Reach, and Hard to Leave".

#### **Presentation – Transition Plan for Police Services**

Snoqualmie Police Chief McCulley commented it was a pleasure to be able to attend tonight's Council meeting and that he was looking forward to being able to provide police services to the citizens of North Bend beginning March 8, 2014. He reviewed the highlights of services to be provided which included the following: 1) Provide a minimum of one officer on duty 24 hours per day, 365 days a year, 2) Respond immediately and appropriately to all calls for service, 3) Maintain close liaison with North Bend officials concerning law enforcement matters, 4) Provide vacation house-checks, 5) Respond to all applicable fire calls, and 6) Provide extra police personnel for community events.

Chief McCulley explained transition planning was currently underway and that they anticipated hiring three new officers in July and another three in October. He noted that three squad cars had been ordered and all squad cars would contain both cities names on the outside. Chief McCulley looked forward to the start of a community outreach/communication plan this summer in order to become better acquainted with the needs of the citizens of North Bend. He noted the outreach would include a citizen survey, and meetings with local business owners and home owners associations.

## INTRODUCTIONS:

### **AB13-023 – Resolution Granting Final Plat Approval for Cedar Falls Division 2**

Community & Economic Development Director Estep stated Cedar Falls Way LLC received approval for preliminary plat on February 24, 2011 to subdivide 35.52 acres into 142 single-family residential lots at Maloney Grove Avenue SE/SE Cedar Falls Way in North Bend. Conditions of approval were necessary to mitigate specific impacts of the proposed development.

Cedar Falls LLC submitted a Final Plat application on November 15, 2012 for Division II of the Cedar Falls Subdivision, subject to compliance with all applicable regulations. The division encompassed 76 homes and all of the infrastructure, park and utilities associated with such. Ms. Estep added that although preliminary plat conditions had been met that Public Works Director Page had expressed concern regarding the stormwater system in the development.

Mr. Page explained after review of the final plat he discovered issues related to the storm drainage system that could affect system functionality both short and long term. He noted staff was currently working with the developer and had given them a specific list of criteria to be met related to how the facility was supposed to function.

Councilmember Gothelf **MOVED**, seconded by Councilmember Williamson to postpone until the next Council meeting AB13-023, a resolution granting final plat approval for Division II of the Cedar Falls Subdivision, to ensure the storm drainage system was functioning properly.

**Ben Rutkowski**, 11624 SE 5<sup>th</sup> Street, Bellevue, Polygon Homes Development Project Manager, stated he had been made aware of the performance issues with the storm drainage swales and they were working with on-site contractors on guidelines to ensure the swales remain free of debris to ensure future functionality. He noted Polygon would take care of any future problems with the swales and stressed that the swales would be owned by the homeowner's association so any problem that arose would not be a burden to the City.

Public Works Director Page requested additional time to work with the developer to ensure functionality of the system.

Councilmember Gothelf **MOVED**, seconded by Councilmember Williamson to amend the motion to **postpone indefinitely** AB13-023, a resolution granting final plat approval for Division II of the Cedar Falls Subdivision, to ensure the storm drainage system was functioning properly.

The main motion then **PASSED AS AMENDED**, 7-0.

## **AB13-024 – Ordinance 1481 Adopting Interim Zoning Regulations RE Cottage Housing**

Community & Economic Development Director Estep noted the North Bend Municipal Code, Comprehensive Plan, and Zoning Map provided for a Cottage Residential (“CR”) zoning district. Approval of a planned neighborhood district (“PND”) under NBMC 18.12 was now required for any development in the CR district. The purpose of a PND was to encourage a greater variety of mixed housing types, sizes, and prices, including innovative and/or affordable housing, with flexible bulk and dimensional standards, which were designed to be compatible with neighboring properties.

As currently adopted, NBMC 18.12 PND was unclear regarding the mix of housing types permitted within the CR District. NBMC Chapter 18.10.030 Permitted and Conditional Uses, 18.40.040 Bulk and Dimensional Standards, and 18.10.050 Performance Standards were vague as they could be read to permit standard sized single family residential housing units within the Cottage Residential district.

The intent of the City Council in adopting the Cottage Residential district was to encourage innovative housing types of predominantly single-family detached housing, but in size and scale smaller than standard sized single family residential units (i.e., “cottage” housing), including a maximum of 15 percent attached housing on smaller lots with densities from six to ten dwelling units per gross acre, in order to create greater choices for homebuyers of varying economic means in North Bend.

In adopting the Cottage Residential district, the City Council did not intend to allow standard sized single family homes in neighborhoods in the Cottage Residential District.

The City finds it necessary to clarify its intent in adopting the Cottage Residential zoning district through these Interim Zoning Controls, which would allow sufficient time for the Planning Commission to evaluate and recommend any necessary further code amendments, while also ensuring that applications to develop projects inconsistent with the intent of the City Council do not vest.

Councilmember Williamson inquired into the history of the Cottage Residential Zone and the purpose of the zone. Councilmembers Gothelf and Rosen who were present on the Planning Commission during the time of discussion of the Cottage Residential Zone noted it was to encourage greater choices for home buyers of different economic means and not intended to encourage large single family homes on small lots.

City Administrator Lindell reiterated Ms. Estep’s comments by noting this issue was to provide clarification of the existing code and was more of a housekeeping item and not intended to reopen the entire section of code related to the Cottage Residential Zone. She also added that review of the entire code would require additional staff time which was not available considering the limited staff resources of the Community & Economic Development Department. Ms. Lindell stressed Council’s direction, by approval of the motion, should provide clear direction to the Planning Commission to only address the needed clarification of the code as previously outlined by Ms. Estep.

Council agreed with City Administrator Lindell's comments that only that specific area of the code that dealt with the inconsistencies should be considered by the Planning Commission.

Councilmember Pettersen **MOVED**, seconded by Councilmember Gothelf to approve AB13-024, an ordinance adopting interim zoning controls related to permitted uses in the Cottage Residential Zone, as a first and final reading. The motion **PASSED** 7-0.

**AB13-025 – Ordinance 1482 Adopting Interim Zoning Regulations RE Home Occupation Business Licenses**

Community & Economic Development Director Estep explained NBMC 18.10.050 section 1.53 allowed uses to be conducted as home occupations within residences when criteria per this section of the code were met. Tattoo parlors were permitted as a principal use only in the Employment Park 2 zone. An applicant submitted for a business license for a tattoo and piercing parlor as a home occupation within the Downtown Commercial (DC) zone. Because the principal use was a residence, the tattoo and piercing parlor could be permitted as a home occupation under current regulations subject to the applicant demonstrating conformance to the criteria for a home occupation.

The proposed amendments to NBMC clarified that except in the Low Density Residential, High-Density Residential, and Cottage Residential zoning districts, no home occupation business license would be issued for a use that was otherwise prohibited in the underlying zoning district.

Ms. Estep reviewed the proposed ordinance and noted NBMC 1.53 Home Occupation now included additional clarification of types of home occupation business licenses that would not be allowed which included medical marijuana collective gardens, tattoos and body piercings. She also noted the following language had been added to NBMC Section 1.53i of the proposed ordinance: Except in the Low-Density Residential, High-Density Residential, and Cottage Residential zoning districts, no home occupation business license will be issued for a use that is otherwise prohibited in the underlying zone.

The proposed ordinance was being brought forward as an emergency ordinance. Following adoption of the emergency ordinance, the regulations would be brought back through the public process, including Planning Commission review and recommendation following a public hearing for consideration of the final amendments.

Councilmember Pettersen **MOVED**, seconded by Councilmember Gothelf to approve AB13-025, an ordinance establishing interim zoning controls related to home occupation business licenses, as a first and final reading.

Council discussed NBMC Section 1.53i of the proposed ordinance and overall consensus was that the language was confusing and should be removed.

Councilmember Pettersen **MOVED**, seconded by Councilmember Gothelf to amend AB13-025, an ordinance establishing interim zoning controls related to home occupation business licenses, as a first and final reading, by excluding NBMC Section 1.53i.

**David Herman**, Owner of Ambrosia Tattoo Gallery LLC, introduced himself and provided a brief background on his professional career. He explained he was interested in opening a small tattoo shop in North Bend that would be by appointment and would generate approximately 1 – 3 car trips per day. He added that he had contacted City staff about licensing at his proposed location and at present was 95% moved into the location with a planned opening of April 1, 2013.

**Nick Hadeen**, 101 Bendigo Blvd N., Unit 9, stated he knew Mr. Herman and that he was a professional tattoo artist that served a very high end clientele. He expressed his excitement that a tattoo shop was going to be opening in North Bend and that other citizens had told him they were excited as well because of the potential business it could generate locally by the patrons of the shop.

Councilmember Loudenback inquired into Mr. Herman's comment about contacting staff and if stipulations had been made to the allowability of the business.

Ms. Estep commented that initially Mr. Herman was interested in a different location in the Downtown Commercial (DC) zone but that his business was not allowed as a principal use within that zone because tattoo parlors were prohibited in the DC zone. She stated the City Attorney was consulted and feedback indicated that the proposed use may potentially be allowed as a home occupation subject to meeting established criteria and this information was articulated to Mr. Herman. Mr. Herman secured an alternate location, and then applied for the business license for a home occupation. Staff was still processing the application and still required additional information from Mr. Herman.

Councilmember Pettersen asked if a business license had been issued. Ms. Estep said that the business license had not been issued.

Councilmember Loudenback felt that Mr. Herman had proceeded forward in good faith and that in the process of applying for a business license the City discovered ambiguity in the zoning code and that perhaps some sort of non-conforming use or variance could be granted to him to allow the business to open at its present location.

Mayor Hearing agreed with Councilmember Loudenback's sentiments.

Discussion continued on the fact that the business license had not been issued, a possible loophole existed in the zoning code regarding home occupations in the DC zone, and the process that Mr. Herman had gone through to apply for his license. Additionally, the percentage of space that a business was allowed to use as a home occupation was reviewed and it was noted that Mr. Herman's proposal to use 300 square feet exceeded those square footage standards.



The main motion then **PASSED AS AMENDED**, 5-2 (Loudenback, Williamson).

**MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:**

Councilmember Kolodejchuk mentioned the Washington Wild Sheep Foundation would be hosting a banquet on Saturday, March 9<sup>th</sup> at the Snoqualmie Casino to benefit efforts to increase the wild sheep population on Mt Si. Those interested in attending could purchase tickets online at [www.wafnaws.com](http://www.wafnaws.com).

Mayor Hearing announced he would be presenting the State of the City address at the March 15<sup>th</sup> Snoqualmie Valley Chamber of Commerce luncheon and asked Councilmembers who wished to attend to contact the City Clerk.

He noted the Sno-Valley Teen Closet would be holding a teen clothing bank event on Thursday, March 7<sup>th</sup> from 5 to 7 p.m. at Mt Si Lutheran Church. More information about the event was available on the community calendar on the City's website.

**ADJOURNMENT:**

Councilmember Gothelf **MOVED** to adjourn, seconded by Councilmember Loudenback. The motion **PASSED** 7-0.

The meeting adjourned at 8:55 p.m.

ATTEST:

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Kenneth G. Hearing  
Mayor

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Susie Oppedal  
City Clerk